

ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
MICHAEL J. CARROLL (ST. BAR #50246)
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**BOARD OF TRUSTEES OF THE SHEET
METAL WORKERS et al.,**

Plaintiffs,

vs.

MTB INC., a California corporation

Defendant.

NO. C 07 3204 PJH

**DECLARATION OF MICHAEL
J. CARROLL IN SUPPORT OF
MOTION FOR ENTRY OF
DEFAULT**

I, MICHAEL J. CARROLL, declare:

1. I am duly admitted to practice law before all of the courts of the State of California and in the United States District Court, Northern District of California. I am one of the attorneys for plaintiff in this action. I have personal knowledge of the facts stated herein and if called as a witness, I could competently testify as follows:

2. The complaint and summons in this action were served on defendant, MTB INC., a California corporation, on July 18, 2007 as appears from the proof of service of said summons e-filed with the Court.

3. The time within which the defendant may answer or otherwise move as to the complaint has expired, that defendant have not answered or otherwise moved and that the time for defendants to answer or otherwise move has not been extended.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on September 20, 2007 at San Francisco, California.

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4 /s/ Michael J. Carroll
5 MICHAEL J. CARROLL
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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On September 20, 2007 I served the within **MOTION FOR ENTRY OF DEFAULT, DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT and PROPOSED NOTICE OF ENTRY OF DEFAULT** on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

MTB Inc.
P.O. Box 715
Pennygrove, CA 94951

MTB
620 Petaluma Blvd. N. Ste. C2
Petaluma, CA 94952

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on September 20, 2007 at San Francisco, California.

/s/ Sharon Eastman